

a notice of exemption to acquire and operate approximately 28.35 miles of rail line known as the Greensburg Cluster owned by Consolidated Rail Corporation in Westmoreland and Fayette Counties, PA. The Greensburg Cluster consists of the following interconnected rail lines: (1) the Greensburg Industrial Track between milepost 0.05+/- and milepost 2.50+/-; (2) the Southwest Secondary Track between milepost 2.50+/- and milepost 17.54+/-, together with portions of the Sewickly Branch and the Tarr Branch; (3) the Southwest Branch/Southwest Secondary Track between milepost 17.54+/- and milepost 23.80+/-; (4) the Long Siding between milepost 0.1+/- and milepost 1.04+/-; (5) the Southwest (Radebaugh) Secondary Track and the Long Siding between milepost 1.04+/- and milepost 2.50+/-; and (6) the Yukon Industrial Track between milepost 0.00+/- and milepost 3.00+/-.<sup>1</sup> Consummation of the proposed transaction took place on June 28, 1995.

This transaction is related to a simultaneously filed notice of exemption in Finance Docket No. 32734, *Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company*, in which SWP's shareholders seek to continue in control of SWP and Camp Chase Industrial Railroad Corporation, a class III shortline railroad, when SWP becomes a carrier.<sup>2</sup>

Any comments must be filed with the Commission and served on: Keith G. O'Brien, 1920 N St., NW, Suite 420, Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 13, 1995.

<sup>1</sup> These lines connect at Everson, PA, with a rail line that SWP seeks simultaneously to lease and operate from Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust, both non-profit corporations, in Finance Docket No. 32737, *Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust*.

<sup>2</sup> Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-17992 Filed 7-20-95; 8:45 am]

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**[Finance Docket No. 32734]**

**Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company**

Phillip C. Larson, Russell A. Peterson and Dennis E. Larson, noncarrier individuals, have filed a notice of exemption to continue in control of Southwest Pennsylvania Railroad Company (SWP), upon SWP becoming a class III rail carrier. SWP, a noncarrier, has concurrently filed notices of exemption in Finance Docket No. 32692, *Southwest Pennsylvania Railroad Company—Acquisition and Operation Exemption—Lines of Consolidated Rail Corporation* (in which SWP seeks to acquire and operate approximately 28.35 miles of rail line owned by Consolidated Rail Corporation in Westmoreland and Fayette Counties, PA), and in Finance Docket No. 32737, *Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust* (in which SWP seeks to lease and operate approximately 9.56 miles of rail line owned by two non-profit corporations in those same two counties). The parties intended to consummate this transaction on or after June 28, 1995.

The above individuals control another nonconnecting class III rail carrier: Camp Chase Industrial Railroad Corporation (CCIR), operating in Ohio.<sup>1</sup> The shareholders' ownership interest in CCIR is 14 percent each for Phillip and Dennis Larson, and 72 percent for Russell Peterson. Each of the individuals also owns 33 1/3 percent of the stock of SWP.

The parties state that: (1) The railroads will not connect with each other or with any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve

<sup>1</sup> Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).

a class I carrier. The transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Keith G. O'Brien, 1920 N St., NW, Suite 420, Washington, DC 20036.

Decided: July 13, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

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**[Finance Docket No. 27748 (Sub-No. 1)]**

**Chicago and North Western Railway Company and Wisconsin Central Limited—Joint Relocation Project Exemption—in Wood County, WI**

On June 23, 1995, Chicago and North Western Railway Company (CNW) and Wisconsin Central Limited (WCL) jointly filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate lines of railroad. The proposed transaction was expected to be consummated on or after June 30, 1995.

The line relocation project will result in the rearrangement, consolidation and rationalization of CNW's trackage rights over WCL's lines between Wisconsin Rapids and Nekoosa, WI. CNW currently operates over two of WCL's tracks under separate trackage rights agreements. Under the first agreement (the Milwaukee Road Agreement), dated September 20, 1973, between CNW and the Chicago, Milwaukee, St. Paul and Pacific Company, CNW was granted overhead trackage rights over a line between Necedah and Wisconsin Rapids, WI, via Nekoosa, WI. CNW was also granted the right to use the line in an emergency to serve Port Edwards and Nekoosa, WI.

Under the second agreement (the Soo Agreement), dated April 17, 1973, between CNW and Soo Line Railroad Company (Soo), CNW was granted overhead trackage rights between Nekoosa and Wisconsin Rapids, WI.<sup>1</sup>

<sup>1</sup> The Milwaukee Road Agreement was assumed by Soo Line Railroad Company (Soo) in 1985. See

Continued

The trackage rights acquired under these agreements permitted CNW to use WCL's lines to access its yards and industries at both Nekoosa and Port Edwards, WI, from Wisconsin Rapids, WI.

Under the proposed relocation: (1) CNW's trackage rights operations in the Port Edwards and Nekoosa, WI area will be consolidated on the former Milwaukee Road track; (2) the emergency use restriction in the original Milwaukee Agreement will be deleted permitting CNW to serve Port Edwards and Nekoosa from the former Milwaukee trackage; (3) CNW will be granted additional trackage rights over short segments of WCL's track to reach its Nekoosa and Port Edwards Yards from the former Milwaukee Road track under the amended Milwaukee Agreement; and (4) the Soo Agreement will be canceled, and the trackage rights over the former Soo trackage rights not covered by the amended Milwaukee Agreement will be discontinued. CNW and WCL state that service to shippers will not be disrupted.

The Commission will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. See *City of Detroit v. Canadian National Ry. Co.*, et al., 9 I.C.C.2d 1208 (1993). The Commission has determined that line relocation projects may embrace trackage rights transactions such as the one involved here. See *D.T.&I.R.—Trackage Rights*, 363 I.C.C. 878 (1981). Under these standards, any incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus

*Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Reorganization—Acquisition by Grand Trunk Corporation*, 2 I.C.C.2d 161 (1984). In 1987, WCL acquired certain assets of Soo, including the line between Necedah and Wisconsin Rapids, WI, and the Soo Agreement in *Wisconsin Central Ltd.—Exemption Acquisition and Operation—Certain Lines of Soo Line Railroad Company*, Finance Docket No. 31102 (ICC served July 28, 1988).

The trackage rights were acquired by CNW pursuant to approval granted in *Chicago and North Western Transportation Company—Trackage Rights Between Wisconsin Rapids and Necedah in Wood and Juneau Counties, WI*, Finance Docket No. 27748 (ICC served Nov. 3, 1975), *Chicago and North Western Transportation Company—Construction of a Line of Railroad at Necedah, Juneau County, WI*, Finance Docket No. 27749 (ICC served Nov. 3, 1975), and *Chicago and North Western Transportation Company—Trackage Rights—Over Soo Line Railroad Company Between Wisconsin Rapids and Nekoosa, Wood County, WI*, Finance Docket No. 28323 (ICC served Feb. 16, 1977).

qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Janet H. Gilbert, Wisconsin Central Limited, P.O. Box 5062, Rosemont, IL 60017-5062, and Robert T. Opal, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606.

Decided: July 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-17990 Filed 7-20-95; 8:45 am]

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#### [Finance Docket No. 32737]

#### **Southwest Pennsylvania Railroad Company—Lease and Operation Exemption—Lines of Westmoreland County Industrial Development Corporation and Fay-Penn Land Trust**

Southwest Pennsylvania Railroad Company (SWP), a noncarrier, has filed a notice of exemption to lease and operate a rail line owned in part by Westmoreland County Industrial Development Corporation (WCIDC), and in part by Fay-Penn Land Trust (FPLT), both non-profit corporations. The line extends between milepost 0.0+/- at Broad Ford and milepost 9.56+/- at Mt. Pleasant (Broad Ford Line), in Westmoreland and Fayette Counties, PA. The total distance of the rail line is approximately 9.56 miles.<sup>1</sup> Consummation of the proposed transaction took place on June 28, 1995.

This transaction is related to a simultaneously filed notice of exemption in Finance Docket No.

<sup>1</sup> FPLT holds title to the Broad Ford Line between milepost 0.0+/- at Broad Ford and Survey Station 174+56 (approximately milepost 3.3+/-). WCIDC holds title to the remainder, from Survey Station 174+56 (milepost 3.3+/-) to milepost 9.56+/- at Mt. Pleasant.

The Broad Ford Line connects at Everson, PA, with rail lines that SWP seeks simultaneously to acquire from Consolidated Rail Corporation and operate in Finance Docket No. 32692, *Southwest Pennsylvania Railroad Company—Acquisition and Operation Exemption—Lines of Consolidated Rail Corporation*.

32734, *Phillip C. Larson, Russell A. Peterson and Dennis E. Larson—Continuance in Control Exemption—Southwest Pennsylvania Railroad Company*, in which SWP's shareholders seek to continue in control of SWP and Camp Chase Industrial Railroad Corporation, a class III shortline railroad, when SWP becomes a carrier.<sup>2</sup>

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The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 13, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

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#### [Docket No. AB-167 (Sub-No. 1149X)]

#### **Consolidated Rail Corporation—Abandonment Exemption—in Indiana and Cambria Counties, PA**

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon 2.6± miles of its line of railroad, known as the Kin Industrial Track, from approximately milepost 35.80 ± to approximately milepost 38.40±, in Indiana and Cambria Counties, PA.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and

<sup>2</sup> Notice of an acquisition and operation exemption was given by the Commission in *Camp Chase Industrial Railroad Corporation—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, Finance Docket No. 32581 (ICC served Oct. 21, 1994).